

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARILYN BYRNE,
Plaintiff

v.

BOSTON MUTUAL LIFE INSURANCE
COMPANY,
Defendant

CIVIL ACTION NO. 05-10663GAO

**BOSTON MUTUAL LIFE INSURANCE COMPANY'S MOTION TO CONTINUE
SCHEDULING CONFERENCE**

The defendant, Boston Mutual Life Insurance Company, requests that this court continue the scheduling conference in this case which is currently to be held on January 12, 2006. The grounds for this motion are that Boston Mutual's senior counsel, Joseph M. Hamilton, is scheduled to be on trial that week before Judge Harrington in the matter of Provident Life and Accident Insurance Company v. Duncan S. Payne, et al., Civil Action No. 99-11824-EFH. The trial is scheduled to begin on January 9, 2006 and to last approximately one week. In addition, in the event that case is settled or the trial is concluded prior to January 12, Mr. Hamilton is required to be out of state in order to moderate the American Bar Association's Joint Midwinter Meeting of the Life, Health and Disability, and Employee Benefits Committees.

Counsel for all parties are available January 17 through January 31 to appear for the scheduling conference.

The plaintiff assents to this motion.

BOSTON MUTUAL LIFE INSURANCE
COMPANY

By its attorney,

/s/ Joseph M. Hamilton
Joseph M. Hamilton, BBO #546394
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

Dated: November 15, 2005

CERTIFICATE OF SERVICE

I, Joseph M. Hamilton, hereby certify that I have this day served a copy of the foregoing document, by regular mail, to Richard K. Latimer, Esq., 222 Main Street, Room 205, Falmouth, MA 02540.

/s/ Joseph M. Hamilton
Joseph M. Hamilton

Dated: November 15, 2005